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27 **UNITED STATES DISTRICT COURT**
28 **NORTHERN DISTRICT OF CALIFORNIA**

29 CHASOM BROWN, MARIA NGUYEN,
30 WILLIAM BYATT, JEREMY DAVIS, and
31 CHRISTOPHER CASTILLO, individually
32 and on behalf of all other similarly situated,

33 Plaintiffs,

34 vs.

35 GOOGLE LLC,

36 Defendant.

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Case No.: 5:20-cv-03664-LHK

**PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE IN OPPOSITION
TO DEFENDANT GOOGLE'S MOTION
TO DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT**

The Honorable Lucy H. Koh
Courtroom 8 – 4th Floor
Date: February 25, 2021
Time: 1:30 p.m.

PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to Federal Rule of Evidence 201, Plaintiffs respectfully request that the Court take judicial of the following document for purposes of ruling on Defendant Google LLC's ("Google") Motion to Dismiss Plaintiffs' First Amended Complaint.

1. Google's Privacy Policy in effect between March 31, 2020 and July 1, 2020, which is available online at <https://policies.google.com/privacy/archive/20200331> and is attached to the Amanda Bonn Declaration as **Exhibit 1**. This exhibit is identical to **Exhibit 12** of Google's Request for Judicial Notice in Support of Google's Motion to Dismiss. ECF No. 84 at 2.

MEMORANDUM OF POINTS AND AUTHORITIES

I. THIS COURT SHOULD TAKE JUDICIAL NOTICE OF EXHIBIT 1

On a motion to dismiss, "courts must consider the complaint in its entirety, as well as other sources courts ordinarily examine when ruling on Rule 12(b)(6) motions to dismiss, in particular, documents incorporated into the complaint by reference." *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007); *Coto Settlement v. Eisenberg*, 593 F.3d 1031, 1038 (9th Cir. 2010) ("On a motion to dismiss, we may consider materials incorporated into the complaint"). Accordingly, this Court may consider the contents of documents explicitly referenced in Plaintiffs' First Amended Complaint, "including portions which were not mentioned." *In re Stac Elecs. Sec. Litig.*, 89 F.3d 1399, 1405 n.4 (9th Cir. 1996); *see also Fecht v. Price Co.*, 70 F.3d 1078, 1080 n.1 (9th Cir. 1995) ("[W]e hold that documents whose contents are alleged in a complaint and whose authenticity no party questions, but which are not physically attached to the pleading, may be considered in ruling on a Rule 12(b)(6) motion to dismiss.").

Exhibit 1, Google's Privacy Policy in effect between March 31, 2020 and July 1, 2020, is subject to judicial notice because it is referenced throughout Plaintiffs' First Amended Complaint. FAC ¶¶ 42-57, 57-58, 76, 83, 146.

II. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court take judicial notice of Exhibit 1 attached to the Amanda Bonn Declaration.

Dated: November 18, 2020

By: /s/ Amanda Bonn
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